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MINISTRY OF LAW

NOTIFICATION

New Delhi, the 15th September 1956

THE STATES REORGANISATION (ELECTIONS TO PROVISIONAL STATE LEGISLATURES) RULES, 1956

S.R.O. 2097.—In exercise of the powers conferred by section 129 of the States Reorganisation Act, 1956 (37 of 1956), the Central Government hereby makes the following rules, namely:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the States Reorganisation Act, 1956 (37 of 1956);
- (b) "election" means any of the elections referred to in sub-section (4) of section 28, sub-section (2) of section 37, rule 3 or rule 4;
- (c) "elector" means any person entitled to vote at an election;
- (d) "electorate" means any of the electorates referred to in sub-section (4) of section 28, sub-section (2) of section 37, rule 3 or rule 4;
- (e) "Form" means a form annexed to these rules;
- (f) "Official Gazette" in relation to an election, means the Official Gazette of the State in which the election is held under these rules;
- (g) "returning officer" includes an assistant returning officer performing any function which he is authorised to perform under rule 6;
- (h) "section" means a section of the Act.

CHAPTER II

CHOICE OF CERTAIN MEMBERS FOR THE PROVISIONAL COUNCILS AND THEIR QUALIFICATIONS

3. Bombay Legislative Council.—(1) The twenty-five members of the Legislative Council of the new State of Bombay referred to in clause (b) of sub-section (2) of section 34 shall be chosen as provided in this rule.

(2) Eleven persons shall be elected by an electorate consisting of those members of the Legislative Assembly of Madhya Pradesh who on the appointed day will become members of the Legislative Assembly of the new State of Bombay by

virtue of section 28, from amongst persons who are not members of the Legislative Assembly of Madhya Pradesh

(3) Seven persons shall be elected by an electorate consisting of those members of the Legislative Assembly of Hyderabad who on the appointed day will become members of the Legislative Assembly of the new State of Bombay by virtue of section 28, from amongst persons who are not members of the Legislative Assembly of Hyderabad

(4) Six persons shall be elected by an electorate consisting of the members of the Legislative Assembly of Saurashtra from amongst persons who are not members of that Legislative Assembly

(5) One person shall be elected by an electorate consisting of the members of the electoral college for Kutch constituted under section 27A of the Representation of the People Act, 1950.

(6) A person shall not be qualified to be chosen under sub-rule (2), (3) or (4) unless he is an elector for an assembly constituency in the State of Madhya Pradesh, Hyderabad or Saurashtra, as the case may be, and a person shall not be qualified to be chosen under sub-rule (5) unless he is an elector for an electoral college constituency in the State of Kutch

(7) The persons elected under this rule shall, as from the appointed day, be members of the Legislative Council for the new State of Bombay.

4. Mysore Legislative Council.—(1) The twelve members of the Legislative Council for the new State of Mysore referred to in clause (b) of sub-section (2) of section 36 shall be chosen as provided in this rule

(2) Three persons shall be elected by an electorate consisting of those members of the Legislative Assembly of Bombay who on the appointed day will become members of the Legislative Assembly of the new State of Mysore by virtue of section 28, from amongst persons who are not members of the Legislative Assembly of Bombay

(3) Three persons shall be elected by an electorate consisting of those members of the Legislative Assembly of Hyderabad who on the appointed day will become members of the Legislative Assembly of the new State of Mysore by virtue of section 28, from amongst persons who are not members of the Legislative Assembly of Hyderabad

(4) One person shall be elected by an electorate consisting of those members of the Legislative Assembly of Madras who on the appointed day will become members of the Legislative Assembly of the new State of Mysore by virtue of section 28, from amongst persons who are not members of the Legislative Assembly of Madras

(5) One person shall be elected by an electorate consisting of the members of the Legislative Assembly of Coorg from amongst persons who are not members of that Legislative Assembly

(6) A person shall not be qualified to be chosen under sub-rule (2), (3), (4) or (5) unless he is an elector for an assembly constituency in the State of Bombay, Hyderabad, Madras or Coorg, as the case may be

(7) The eight persons elected under this rule, the three sitting members of the Legislative Council of the existing State of Bombay representing the Belgaum (Local Authorities'), Bijapur (Local Authorities') and Dharwar (Local Authorities') constituencies, and such one of the sitting members of the Madras Legislative Council as the Chairman of that Council shall by order specify from amongst the persons who by virtue of the provisions of sub-sections (3) and (4) of section 35 will cease to be members of that Council, shall, as from the appointed day, be members of the Legislative Council for the new State of Mysore

5 Punjab Legislative Council—A person shall not be qualified to be chosen as a member of the Legislative Council for the new State of Punjab under clause (b) of sub-section (2) of section 37 unless he is an elector for an assembly constituency in the State of Patiala and East Punjab States Union

CHAPTER III

APPOINTMENT OF RETURNING OFFICERS AND NOMINATION OF CANDIDATES

6 Returning officer and his assistants.—(1) The chief electoral officer of Kutch shall be the returning officer for the election referred to in sub-section (4) of section 28, and the Secretary of the Legislative Assembly of the State in which any of the other elections is held under these rules shall be the returning officer for that election.

(2) The Election Commission may appoint one or more persons to assist any returning officer in the performance of his functions under these rules:

Provided that every such person shall be an officer of Government.

(3) Every assistant returning officer shall be competent to perform all or any of the functions of the returning officer.

7. Notification for election and appointment of dates for nominations, etc.—As soon as may be after the commencement of these rules, the Election Commission shall by notification in the Official Gazette call upon each electorate to elect the requisite number of members before such date as may be specified in the notification and shall also, by that notification, appoint—

(a) the last date for making nominations,

(b) the date for the scrutiny of nominations,

(c) the last date for the withdrawal of candidatures, and

(d) the date on which a poll shall, if necessary, be taken,

which dates shall respectively be the seventh day, the eighth day, the ninth day and the fourteenth day after the date of publication of the notification.

8 Notice of intended elections and list of electors.—(1) On the issue of a notification under rule 7, the returning officer shall give public notice of the intended election in Form 1 and cause it to be published in such manner, in such language or languages, and in such places, as the Election Commission may direct.

(2) The returning officer shall also prepare in triplicate a list of the electors entitled to vote at the election, send one copy to the Election Commission and cause another copy to be affixed in a conspicuous place in his office

9. Nomination of candidates.—Any person may be nominated as candidate for an election under these rules if he is qualified under the relevant provisions of the Constitution, the Act and these rules.

10. Presentation of nomination papers —(1) On or before the date appointed under clause (a) of rule 7 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under rule 8 a nomination paper completed in Form 2A or Form 2B as may be appropriate and signed by the candidate and by his proposer who shall be a person entitled to vote at the election to which the nomination relates.

(2) Any nomination paper which is not received before three o'clock in the afternoon on the last date appointed under clause (a) of rule 7 shall be rejected.

(3) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the same election

11. Procedure on receipt of nomination papers.—On the presentation of a nomination paper, the returning officer shall—

(a) sign thereon a certificate stating the date and the time of presentation of the nomination paper and enter thereon its serial number;

(b) inform the person presenting the nomination paper of the date, time and place fixed for the scrutiny of nominations; and

(c) cause to be affixed in some conspicuous place in his office a copy of the nomination paper as certified and numbered under clause (a) of this rule.

12 Scrutiny of nominations.—(1) The candidates, one proposer for each candidate and one other person duly authorised in writing by each candidate, shall be entitled to be present at the time of scrutiny of nominations; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 10.

(2) The returning officer shall then examine the nomination papers and decide all objections which may be made to any of them.

(3) The returning officer, may, either on such objection or on his own motion, and after such summary inquiry, if any, as he thinks necessary, reject a nomination paper on any of the following grounds, namely:—

- (a) that the candidate is not qualified under clause (a) or clause (b) of article 173, or under sub-section (4) of section 28, rule 3, rule 4 or rule 5, as the case may be; or
- (b) that the proposer is not entitled to vote at the election to which the nomination relates; or
- (c) that the signature of the candidate or proposer is not genuine or has been obtained by fraud; or
- (d) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character.

(4) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 7 and shall not allow any adjournment of the proceedings.

(5) The returning officer shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, he shall record a brief statement of his reasons for rejecting it.

13. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by a notice in writing in Form 3 signed by him and delivered before three o'clock in the afternoon on the date fixed under clause (c) of rule 7 to the returning officer either by such candidate in person or by his proposer who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) On the receipt of such notice, the returning officer shall note thereon the date on which and the hour at which it was delivered, and cause a copy thereof together with the note, to be affixed in some conspicuous place in his office.

14. Publication of list of contesting candidates.—In every case in which a poll is to be taken under these rules, the returning officer shall, immediately after the expiry of the period within which candidatures may be withdrawn under rule 13—

- (a) prepare in Form 4 a list containing the names in alphabetical order and addresses (as given in the nomination papers) of the contesting candidates, that is to say, candidates whose nomination papers have been found valid and who have not withdrawn their candidature in accordance with rule 13,
- (b) cause the said list to be published in such manner as the Election Commission may direct; and
- (c) cause a copy of the said list to be affixed in some conspicuous place in his office.

15. Death of candidate before poll.—If a contesting candidate dies and a report of his death is received by the returning officer before the commencement of the poll, the returning officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Election Commission and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has under rule 13 given a notice of withdrawal of his candidature shall be ineligible for being nominated as a candidate for the election after such countermanding.

CHAPTER IV

THE POLL

16. Procedure in contested and uncontested elections.—(1) If the number of contesting candidates is more than the number of persons to be elected, a poll shall be taken.

(2) If the number of such candidates is equal to the number of persons to be elected, the returning officer shall forthwith declare all such candidates to be duly elected.

(3) If the number of such candidates is less than the number of persons to be elected, the returning officer shall forthwith declare all such candidates to be elected and the Election Commission shall, by notification in the Official Gazette, call upon the electors to elect a person or persons to fill the remaining seat or seats before such date as may be specified in the notification in this behalf by the Election Commission.

17. Fixing place and time of poll.—At every election where a poll is to be taken, the returning officer shall—

- (a) fix the place at which the poll will be taken for such election;
- (b) fix the hours during which the poll will be taken at such place; and
- (c) give due publicity to the place and the hours so fixed.

18. Conduct of poll by the returning officer.—(1) The returning officer shall conduct the poll at the place fixed for the poll.

(2) The returning officer may appoint such polling officer or officers as he thinks necessary to assist him in taking the poll, but he shall not so appoint any person who has been employed by, or on behalf of, or has been working for, a candidate in or about the election.

19. Manner of voting at elections.—At every election where a poll is taken, votes shall be given by secret ballot in accordance with these rules and no votes shall be received by proxy.

20. Ballot papers.—(1) The ballot papers shall be in such form as has been previously approved by the Election Commission.

(2) The names of the candidates shall be printed on the ballot paper in the same order as in the list of contesting candidates published under rule 14.

21. Ballot Boxes.—Every ballot box used at the poll shall be of a design previously approved by the Election Commission.

22. Procedure before the commencement of the poll.—(1) The returning officer shall immediately before the commencement of the poll allow inspection of the ballot box to be used at the poll to such candidates and authorised representatives of candidates as may be present at the place of polling.

(2) The returning officer shall then secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall also allow such candidates and authorised representatives of candidates as may be present to affix their own seals if they so desire.

23. Admission to the place fixed for the poll.—(1) The returning officer shall exclude from the place fixed for the poll all persons except—

- (a) the polling officers and other public servants on duty;
- (b) the candidates and one representative authorised in writing by each candidate;
- (c) such other persons as the returning officer may from time to time admit for the purpose of assisting him in taking the poll.

(2) The returning officer shall close the place fixed for the poll at the hour fixed for the close of the poll under rule 17 and shall not admit therein any elector after that hour:

Provided that all electors present at the place before its close shall be entitled to have their votes recorded.

24. Procedure for giving ballot papers.—(1) The returning officer shall have with him a copy of the list of electors prepared by him under sub-rule (2) of rule 8, and immediately before a ballot paper is delivered to an elector, a mark shall be placed against his name in that list.

(2) No ballot paper shall be delivered to an elector unless he has put his signature against his name in the said list in token of receipt of the ballot paper.

25. Supply of fresh ballot paper in certain cases and return of ballot paper by an elector.—(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the returning officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so delivered and the latter shall be marked as 'cancelled' by the returning officer.

(2) All ballot papers cancelled under sub-rule (1) shall be kept in a separate packet set apart for the purpose.

(3) If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same he shall return the ballot paper to the returning officer who shall mark it as 'Returned-Cancelled' and keep it in a separate packet set apart for the purpose.

26. Votes and preferences to be exercised by electors.—(1) Every elector shall have one vote only.

(2) An elector in giving his vote—

(a) shall place on his ballot paper the figure 1 in the place opposite the name of the candidate for whom he votes; and

(b) may, in addition place on his ballot paper the figure 2 or the figures 2 and 3 or the figures 2, 3, and 4 and so on in the spaces opposite the names of other candidates in the order of his preferences.

(3) The returning officer shall, if requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.

27. Sealing up of ballot boxes etc. at close of poll.—(1) At the close of the poll the returning officer shall in the presence of such candidates and authorised representatives of candidates as may be present, close the slit as well as the ballot box.

(2) He shall also make up into separate packets—

(a) the copy of the list of electors marked in accordance with rule 24;

(b) the ballot papers cancelled under sub-rule (1) and sub-rule (3) of rule 25; and

(c) the unused ballot papers,

and seal each such packet with his own seal and the seals of those candidates and authorised representatives of candidates who may desire to fix their seals thereon.

28. Adjournment of poll in emergency.—(1) If the proceedings at any place fixed for the poll are interrupted or obstructed by riot or open violence, or if it is not possible to take the poll at any such place on account of a natural calamity or any sufficient cause, the returning officer shall announce an adjournment of the poll to a date to be notified later, and immediately report the circumstances to the Election Commission.

(2) Whenever a poll is adjourned under sub-rule (1), the Election Commission shall, as soon as may be, fix the date on which and the place at which and the hours during which the adjourned poll shall be taken and shall notify the said details to all concerned in such manner as it may think fit.

(3) On the date on which such adjourned poll is taken, the electors who have already voted at the poll before its adjournment will not be entitled to vote, but only the remaining electors may vote at such adjourned poll.

CHAPTER V

COUNTING OF VOTES AND DECLARATION OF RESULTS

29. Definition.—In this Chapter—

(1) the expression 'continuing candidate' means any candidate not elected and not excluded from the poll at any given time;

(2) the expression 'first preference' means the figure 1, the expression 'second preference' means the figure 2 and the expression 'third preference' means the figure 3, set opposite the name of any candidate and so on.

(3) the expression 'unexhausted paper' means a ballot paper on which a further preference is recorded for a continuing candidate;

(4) the expression 'exhausted paper' means a ballot paper on which no further preference is recorded for a continuing candidate provided that a paper shall also be deemed to be exhausted in any case in which—

(a) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or

(b) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(5) the expression 'original vote' in relation to any candidate means a vote derived from a ballot paper on which a first preference is recorded for such candidate;

(6) the expression 'transferred vote' in regard to any candidate means a vote the value or the part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate.

(7) the expression 'surplus' means the number by which the value of votes, original and transferred, of any candidate exceeds the quota; and

(8) the expression 'count' means—

(a) all the operations involved in the counting of the first preferences recorded for candidate; or

(b) all the operations involved in the transfer of the surplus of an elected candidate; or

(c) all the operations involved in the transfer of the total value of votes of an excluded candidate.

30. Counting of votes.—(1) The returning officer shall commence the counting of votes as soon as practicable after the close of the poll, but on the same day.

(2) Votes shall be counted by, or under the supervision of, the returning officer and each candidate and one representative of each candidate authorised in writing by the candidate shall have the right to be present at the time of counting.

31. Grounds for declaring ballot papers invalid.—A ballot paper shall be invalid on which—

(a) the figure 1 is not marked; or

(b) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or

(c) the figure 1 and some other figure are set opposite the name of the same candidate; or

(d) any mark is made by which the elector may afterwards be identified.

32. Scrutiny and opening of ballot boxes.—(1) The returning officer shall—

(a) open the ballot box or boxes and take out from each box the ballot papers contained therein;

(b) count the ballot papers so taken out or cause them to be counted.

(2) The returning officer shall then scrutinize the ballot papers taken out of the ballot boxes and separate the ballot papers which he deems valid from those which he rejects endorsing on the latter the word 'Rejected' and the ground for such rejection.

(3) After rejecting the ballot papers which are invalid the returning officer shall arrange the remaining ballot papers in parcels according to the first preference recorded for such candidate.

33. Counting of votes.—(1) The returning officer shall then count the number of papers in each parcel and credit the candidates concerned with the value of those papers.

(2) The returning officer shall also be ascertain and record the total number of valid papers.

(3) For the purpose of facilitating the process prescribed in rules 34 to 39, each valid ballot paper shall be deemed to be of the value of one hundred.

(4) In carrying out the provisions of rules 34 to 39 the returning officer shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

34. Ascertainment of quota.—(1) The returning officer shall add together the values of the papers in all the parcels and divide the total by a number which exceeds by one the number of vacancies to be filled.

(2) The quotient so obtained increased by one shall be the number sufficient to secure the return of a candidate, hereinafter called 'the quota'.

35. Candidates with quota elected.—(1) If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of ballot papers credited to a candidate is equal to, or greater than the quota, that candidate shall be declared elected.

36. Transfer of surplus.—(1) If at the end of any count the value of the ballot papers credited to a candidate is greater than the quota the surplus shall be transferred to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the electors preference in accordance with the provisions of this rule.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:

Provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count and so on.

(3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom most original votes are recorded shall have his surplus first distributed; and if the values of their original votes are equal, the returning officer shall decide by lot which candidate shall have his surplus first distributed.

(4) (a) If the surplus of any candidate to be transferred arises from original votes only, the returning officer shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon and make a separate sub-parcel of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-parcel, and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of exhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the returning officer shall re-examine all the papers in the sub-parcel last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

37. Exclusion of candidates lowest on the poll.—(1) If after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the returning officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon; and any exhausted papers shall be set apart as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which, he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer but not a separate count.

(5) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(6) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be held to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be first excluded; and if the values of their original votes are equal the candidate with the smallest value at the earliest count at which these candidates had unequal value shall be first excluded.

(7) If two or more candidates are lowest on the poll and each has the same value of votes at all counts the returning officer shall decide by lot which candidate shall be first excluded.

38. Transfer when to be discontinued.—If as a result of the transfer of papers, the value of the votes obtained by a candidate is equal to or greater than the quota the count then proceeding shall be completed but no further papers shall be transferred to him.

39. Filling the last vacancies.—(1) When at the end of any count the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When at the end of any count only one vacancy remains unfilled and the value of papers of some one candidate exceeds a total value of all the other continuing candidates together with any surplus not transferred that candidate shall be declared elected.

(3) When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the returning officer shall decide by lot which of them shall be first excluded; and after the exclusion of one of the candidates in the manner aforesaid the other candidate shall be declared elected.

40. Recounting.—The returning officer may at the instance of any candidate or of the authorised representative of a candidate in the absence of that candidate, re-count votes whether once or more than once, when the returning officer is not satisfied as to the accuracy of any previous count:

Provided that nothing in this rule shall make it obligatory on the returning officer to re-count the same votes more than once.

41. Declaration of results.—When the counting of votes has been completed, the returning officer shall forthwith—

- (a) declare the result of the election to those present;
- (b) prepare and certify a return of the election in Form 5; and
- (c) seal up in separate packets the valid ballot papers and the rejected ballot papers and record on each such packet a description of its contents.

42. Report of the result.—(1) As soon as may be after the result of an election has been declared, the returning officer shall report the result to the Election Commission, and also—

- (a) in the case of an election under sub-section (4) of section 28, to the Secretary to the Legislative Assembly of the State of Bombay;
- (b) in the case of an election to the Legislative Council for the new State of Bombay, to the Secretary to the Legislative Council of the State of Bombay;
- (c) in the case of an election to the Legislative Council for the new State of Mysore, to the Secretary to the Legislative Council of the State of Mysore; and
- (d) in the case of an election to the Legislative Council for the new State of Punjab, to the Secretary to the Legislative Council of the State of Punjab.

(2) The Election Commission on the receipt of such report shall cause to be published in the Official Gazette the declarations containing the names of the elected candidates.

(3) The returning officer shall, after reporting the result of the election under sub-rule (1), forward a certified return to the Election Commission.

CHAPTER VI

MISCELLANEOUS

43. Custody of ballot boxes and election papers.—All ballot boxes used at an election under these rules and the packets of ballot papers and all other papers relating to the election shall, after the election, be kept in such custody as the Election Commission may direct.

44. Disposal of election papers.—All ballot papers and other papers relating to an election shall be destroyed after such period as the Election Commission may fix in this behalf.

45. Disputes regarding election.—In the event of any dispute arising out of any election held under these rules, the provisions of Part VI and Part VII of the Representation of the People Act, 1951 (43 of 1951) shall, so far as may be, apply in relation to the decision of such dispute as they apply in relation of the decision of any dispute arising out of the election of a member of a Legislative Council held under the said Act:

Provided that in such application—

- (a) any reference in the said provisions to the candidate's agent shall be construed as a reference to the candidate's authorised representative; and
- (b) the explanation below clause (7) of section 123 of the said Act shall be deemed to have been omitted.

FORM 1

[See rule 8(1)]

(The States Reorganisation Act, 1956)

Notice of Election

Election to the Provisional Legislative Council/Assembly of.....

Whereas a notification under rule 7 of the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956, for holding the above election has been issued, I....., the returning officer for that election, do hereby give notice that—

- (a) forms of nomination paper may be obtained from the office of the undersigned during office hours on any working day;
- (b) nomination papers may be delivered to the undersigned at his office in....., or if he is unavoidably absent, toat the said office between 11 A.M. and 3 P.M. on any day not later than the.....
- (c) the scrutiny of nomination papers will take place at the said office on.....(Date) at.....(Hours).

Place.....

Signature.....

Date.....

Designation.....

FORM 2A

(See rule 10)

(The States Reorganisation Act, 1956)

Nomination Paper

Election to the Legislative Assembly of Bombay by the members of the electoral college for Kutch

(To be filled by the proposer)

I hereby nominate.....as a candidate for the above election.

(1) Full name of proposer.....

(2) Name of candidate's father/husband.....

(3) Full postal address of candidate.....

(4) Serial number of candidate in the list of members of the electoral college.....

Date.....

Signature of proposer.....

(To be filled by the candidate)

I, the above mentioned candidate assent to this nomination and hereby declare that I am a member of the electoral college for Kutch and have completed twenty-five years of age.

Date.....

Signature of candidate.....

FORM 2B

(See rule 10)

(The States Reorganisation Act, 1956)

Nomination Paper

Election to the Provisional Legislative Council of.....

(To be filled by the proposer)

I hereby nominate.....as a candidate for the above election.

- (1) Full name of proposer.....
- (2) Name of candidate's father/husband.....
- (3) Full postal address of candidate.....
- (4) Electoral roll number of candidate in assembly/electoral college constituency.....

Date.....

Signature of proposer.....

(To be filled by the candidate)

I, the above mentioned candidate assent to this nomination and hereby declare that I have completed thirty years of age.

Date.....

Signature of candidate.....

FORM 3

(See rule 13)

(The States Reorganisation Act, 1956)

Notice of Withdrawal

Election to the Provisional Legislative Council of.....
Assembly

To

The Returning Officer,

I, of a candidate at the abovementioned election
do hereby give notice that I withdraw my candidature.

Place.....

Date.....

Signature of candidate.....

This notice was delivered to me at my office at.....(hour) on.....
(date) by.....(name) the candidate/candidate's proposer.

Place.....

Date.....

Returning Officer.

FORM 4

(See rule 14)

(The States Reorganisation Act, 1956)

List of Contesting Candidates

Election to.....

Serial number	Name of candidate	Address of candidate
1.		
2.		
3.		
4.		
etc.		

The poll will be taken between the hours of and
on..... (date).

Place.....

Date.....

Returning Officer.

FORM 5

(See rule 41)

(The States Reorganisation Act, 1956)

Return of Election

Election to.....

Name of candidate	Number of valid votes given to the candidate.
1.	
2.	
3.	
etc.	

Total number of valid votes.....

Total number of invalid votes.....

Total number of tendered votes.....

I declare that

(1) (Name).....
(Address).....(2) (Name).....
(Address).....

etc.

has/have been duly elected.

Returning Officer.

Dated the.....day of.....19 ..

[No. F.26(5)/56-Elections.]

K. Y. BHANDARKAR, Secy.